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8 Attorneys for Defendants
 9 CHASE BANK USA, N.A.,
 10 erroneously sued as CHASE
 11 MANHATTAN BANK U.S.A.,
 12 N.A., and JPMORGAN CHASE & CO.

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 DAVID J. LEE and DANIEL R.) **Case No. CV-07-4732 MJJ**
 16 LLOYD, individually and on behalf of)
 17 all others similarly situated,) THE HON. MARTIN J. JENKINS
 18 Plaintiffs,) **[PROPOSED] ORDER GRANTING**
 19 vs.) **DEFENDANTS' MOTION TO**
 20) **DISMISS**
 21 CHASE MANHATTAN BANK U.S.A.,)
 22 N.A., a Delaware corporation, CHASE) DATE: December 4, 2007
 23 MANHATTAN BANK U.S.A., N.A.) TIME: 9:30 a.m.
 24 d.b.a. CHASE BANK U.S.A., N.A.,) PLACE: Courtroom 11
 25 JPMORGAN CHASE & CO., a) 19th Floor
 Delaware corporation; and DOES 1) 450 Golden Gate Ave.
 through 100, inclusive,) San Francisco, CA 94102
 Defendants.)
)
)
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The Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (the “Motion”) filed by defendants (“Defendants”) in the above-captioned action came on for hearing on December 4, 2007, at 9:30 a.m. in Courtroom 11 of the above-entitled Court, the Honorable Martin J. Jenkins presiding. Hale & Associates appeared on behalf of plaintiffs David J. Lee and Daniel R. Lloyd (“Plaintiffs”) and Stephen J. Newman of Stroock & Stroock & Lavan LLP appeared on behalf of Defendants.

After consideration of the evidence, pleadings, briefs and oral argument presented, as well as all other matters presented to the Court, and good cause having been shown:

IT IS HEREBY ORDERED that:

The Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is **GRANTED** in its entirety and the Complaint is **DISMISSED** in its entirety and without leave to amend.

Dated:

THE HONORABLE MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE